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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,820	01/22/2004	Truyen Huynh	555255012691	6113

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EXAMINER

DAGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/762,820

**Applicant(s)**

HUYNH, TRUYEN

**Examiner**

Stephen M. D'Agosta

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

**DETAILED ACTION**  
***Information Disclosure Statement***

Publication dates are only provided for references A2 and A6 on the 10/04 IDS.  
The Brown reference (4/05 IDS) appears to have an incorrect document number.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 1** rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. US 6,654,746.

As per **claim 1**, Wong teaches an adaptive polling method for updating data between at least one data server and a mobile communication device (Abstract), the improvement comprising,

retrieving current pre-emptive criteria from said at least one data server (figure 7 shows the system checking if the file-to-be-updated has changed recently);

comparing said current pre-emptive criteria to previously stored pre-emptive criteria (figure 6 shows Check Interval, Last Checked, Last Save Time Stamp), and

in the event said current pre-emptive criteria does not equal said previously stored pre-emptive criteria then updating said data between said data server and mobile communication device, and otherwise pre-empting said updating of said data between said data server and mobile communication device (figure 7 shows if a file has been updated since the user last received it, then an update is sent, otherwise no update is sent and the Time Stamp is updated. Also see C6, L5-50 which teaches updating a data item on a mobile unit when the file server data item has changed).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-5** rejected under 35 U.S.C. 103(a) as being unpatentable over Wong and further in view of Crispin RFC 2060 IMAP v4rev1, 1996.

As per **claim 2**, Wong teaches claim 1, **but is silent on** wherein said data server is a mail server with a mailbox for storing e-mails identified by respective message IDs, and said pre-emptive criteria are selected from the group comprising number of messages in said mailbox, mailbox size, and most recent message ID.

Wong does teach using email messaging (C5, L35-40).

**Crispin** teaches email systems and defines using parameters such as “recently arrived” message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong's synchronization scheme for email systems as well, or for database updates, etc.. Lastly, the primary examiner notes that the well-known **Microsoft Outlook** software has for years provided Synchronization operations:

With Outlook running on a PC, click on “Synchronization”, then select either “All Folders” or “Offline Folder Settings”.

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that said data server is a mail server with a mailbox for storing e-mails identified by respective message IDs, and said pre-emptive criteria are selected from the group comprising number of messages in said mailbox, mailbox size, and most recent message ID, to provide means for tracking various functional parameters of the email system to understand how/when to update the user's files.

As per **claims 3 and 5**, Wong teaches an adaptive polling method for updating data between a server and multiple mobiles, the improvement comprising (title, Abstract),

retrieving current pre-emptive criteria from said server (figure 7 shows the system checking if the file-to-be-updated has changed recently);

comparing said current pre-emptive criteria to previously stored pre-emptive criteria for respective ones of said multiple mobiles (figure 6 shows Check Interval, Last Checked, Last Save Time Stamp), and

in the event said current pre-emptive criteria does not equal said previously stored pre-emptive criteria then updating said data between said server and multiple mobiles, and otherwise pre-empting said updating of said data between said main server and said multiple mobiles (figure 7 shows if a file has been updated since the user last received it, then an update is sent, otherwise no update is sent and the Time Stamp is updated. Also see C6, L5-50 which teaches updating a data item on a mobile unit when the file server data item has changed),

**but is silent on** the data being email, the server being a mail server and the mobiles being mailboxes.

The primary examiner notes that **Microsoft's** Outlook provides Synchronization operations:

With Outlook running on a PC, click on "Synchronization", then select either "All Folders" or "Offline Folder Settings".

**Crispin** teaches email systems and defines using parameters (ie. which would support synchronization operations) such as "recently arrived" message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong's synchronization scheme for email systems as well, or for database updates, etc..

**With further regard to claim 5**, Wong teaches a mobile device that communicates via RF to a base station (C3, L13-32 and C5, L62 to C7, L4 teaches Symantec's Mobile Update software which controls data communication over said wireless network between said mobile device and the remote file server).

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that the data being email, the server being a mail server and the mobiles being mailboxes, to provide update/synchronization services for email systems.

As per **claim 4**, Wong teaches claim 3 **but is silent on** wherein said e-mails are identified by respective message IDs, and

said pre-emptive criteria are selected from the group comprising number of messages in respective ones of

said external said mailboxes, mailbox size of respective ones of said external said mailboxes, and most

recent message ID in respective ones of said external said mailboxes.

**Crispin** teaches email systems and defines using parameters (ie. which would support synchronization operations) such as "recently arrived" message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong's synchronization scheme for email systems as well, or for database updates, etc..

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that said e-mails are identified by respective message IDs, and said pre-emptive criteria are selected from the group comprising number of messages in respective ones of said external said mailboxes, mailbox size of respective ones of said external said mailboxes, and most recent message ID in respective ones of said external said mailboxes, to provide means for tracking various functional parameters of the email system to understand how/when to update the user's files.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Amir et al. US 2003/0055902
2. Venkataraman US 2002/0174372
3. Mahajan et al. US 6,226,650
4. Peng US 2001/0042099
5. Meyering US 5,729,735
6. Maimone US 5,864,837
7. Kaufman US 6,034,621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
Primary Examiner

